

REMARKS

Amendments

Claims 1 and 35 are amended to recite that R⁴ is attached to the 5-membered ring of the indole structure. This amendment is supported throughout the disclosure. See, e.g., the exemplified compounds which are substituted in the 5-membered ring by, for example, cyano and substituted in the 6-membered ring by only the R¹-CH₂-CH₂-piperazinecarbonyl radical.

Claim 2 is amended to expressly recite the definition of "A," i.e., the same definition of "A" as in claim 1 from which claim 2 depends. Similar amendments are made to claims 10, 12, 13, 22 and 23 regarding the definitions of "A" and/or "Hal." Claim 23 is amended so that its definition of Het¹ is consistent with that of claim 1.

Claims 24, 25, 26, and 27 are amended to be in independent form. Claim 24 is also amended to define groups R⁴ and R⁵ in accordance with the disclosure at page 11, lines 15-23. Claim 26 is also amended to define groups R¹, R⁴ and R⁵ in accordance with the disclosure at page 11, lines 35-page 12, line 7. Claims 38 and 39 are each amended to recite that the Het¹ group is a monocyclic ring system. Finally, claim 46 is amended to delete "methoxy, ethoxy" from the definition of R⁴. Further, the definition of R⁵ is amended to be the same as the definition of R⁴. See, e.g., page 7, line 24 - page 8, line 7.

New independent claims 72 and 73 are directed to further aspects of applicants' invention. See, e.g., page 1, lines 1-24; page, line 12-34; and page 10, line 9-11. New claim 74 recites that the R⁴ group is attached to the 3-position. This claim is also supported throughout the disclosure. See, e.g., the exemplified compounds.

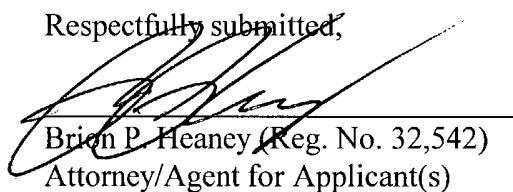
The above amendments to the definitions of R⁴ in claims 1, 35, and 46 are presented for purposes of further clarification. In formula I, the substituents R⁴, R⁵, and the radical R¹-CH₂-CH₂-piperazinecarbonyl can each be at any available position on either of the two rings of the indole system. This is evident from the disclosure in the specification that the R¹-CH₂-CH₂-piperazinecarbonyl radical is preferably attached to the 4-, 5-, 6- or 7-position of the indole ring (page 10, lines 9-11) and the disclosure of compounds which are disubstituted in the

5-membered ring of the indole system, e.g., (2,3-dimethyl-1*H*-indol-7-yl)-(4-phenethylpiperazin-1-yl)methanone. See, e.g., page 20, line 36 - page 21, line 8. Thus, in light of the amendments to the definitions of R⁴ in claims 1, 35, and 46, it is clear that 1-[5-methoxy-1*H*-indol-7-yl) carbonyl]-4-(2-phenylethyl) piperazine is not within the scope of the claims. See, e.g., the Reply of October 17, 2003, wherein applicants' deleted 1-[5-methoxy-1*H*-indol-7-yl) carbonyl]-4-(2-phenylethyl) piperazine from the proviso clause of claim 1, pursuant to the Examiner's request.

As mentioned in the previous Amendment, Baldwin et al. (US '604) discloses the compounds 4-[2-Benzofurazan-5(or 6)-yl)ethyl]-1-indole-5-carbonyl)-piperazine. See column 24, Example 17. Adams et al. (WO '715) discloses 1-(1*H*-Indol-3-carbonyl)-4-(2-phenylethyl) piperazine. See page 8, line 25. Shutske (EP '240) discloses 1-[5-methoxy-1*H*-indol-7-yl) carbonyl]-4-(2-phenylethyl) piperazine. US '604, WO '715 and EP '240 do not suggest Applicants' claimed invention.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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